

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE ENRON CORPORATION
SECURITIES LITIGATION

MDL Docket No. 1446

This Document Relates To:

SILVERCREEK MANAGEMENT INC.;
SILVERCREEK LIMITED PARTNERSHIP;
SILVERCREEK II LIMITED; ONEX
INDUSTRIAL PARTNERS LIMITED; and
PEBBLE LIMITED PARTNERSHIP,

Plaintiffs,

v.

J.P. MORGAN SECURITIES, INC.;
J.P. MORGAN CHASE & COMPANY;
CREDIT SUISSE FIRST BOSTON LLC;
CREDIT SUISSE FIRST BOSTON (USA), INC.;
PERSHING LLC; DEUTSCHE BANK ALEX.
BROWN, INC; DEUTSCHE BANK AG;
BARCLAY'S CAPITAL INC.; BARCLAY'S
PLC; MERRILL LYNCH & CO.; ESTATE OF
KENNETH LAY; JEFFREY K. SKILLING;
ANDREW S. FASTOW; RICHARD CAUSEY;
RICHARD BUY; and JOHN V. DERRICK, JR.,

Defendants.

Civil Action No. H-03-0815
(Consolidated)

**DEFENDANT JEFFREY K. SKILLING'S NOTICE OF JOINDER AND JOINDER IN
FINANCIAL INSTITUTIONS' MOTIONS TO DISMISS
THIRD AMENDED COMPLAINT (DOCKET NO. 121)**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that defendant Jeffrey K. Skilling will and hereby does move to dismiss and requests that the Court dismiss with prejudice Count Four (Fraud and Deceit Against Officer Defendants, Merrill Lynch and CSFB), Count Five (Negligent Misrepresentation as Against Officer Defendants, Merrill Lynch and CSFB), Count Seven (Violations of Section 11 of the Securities Act Against the Officer Defendants), and Count Nine (Violations of Article 581-1, et seq. of Texas Securities Act Against All Defendants) of the Third Amended Complaint [Dkt. # 121] filed by plaintiffs Silvercreek Management Inc., Silvercreek Limited Partnership, Silvercreek II Limited, OIP Limited, and Pebble Limited Partnership (collectively, the “Plaintiffs”). As grounds for this motion, Mr. Skilling joins in and incorporates by reference the Financial Institution Joint Motion to Dismiss the Silvercreek Plaintiffs’ Third Amended Complaint (Docket No. 121) [Dkt. #129, 129-1], filed on September 27, 2011.

This joinder and motion to dismiss incorporates by reference and will be based on the Financial Institution Joint Motion to Dismiss, the authorities cited in the various supporting papers, and all supporting evidence filed in connection with the Financial Institution Joint Motion to Dismiss—including, but not limited to the Joint Memorandum in Support of Joint Motion to Dismiss Complaint filed by Barclay’s Capital Inc., et al [Dkt. #130, 130-1]; Memorandum in Support of Joint Motion to Dismiss filed by Credit Suisse First Boston (USA) Inc., et al. [Dkt. #131]; Supplemental Memorandum in Support of Motion to Dismiss filed by JPMorgan Chase & Co, et al. [Dkt. #132, 134, 134-1, 134-2]; Supplemental Memorandum in Support of Motion to Dismiss filed by Barclay’s Capital Inc., et al. [Dkt. #133, 133-1]; and Memorandum of Law in Support of Motion to Dismiss filed by Deutsche Bank AG [Dkt. #135,

135-1, 135-2, 135-3]—as well as such other papers, evidence, and argument in support thereof that may properly be presented.

Dated: September 30, 2011

Respectfully Submitted,

By: _____

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